

Congress of the United States
Washington, DC 20515

October 10, 2017

The Honorable Elaine C. Duke
Acting Secretary of Homeland Security
Washington, DC 20528

Dear Acting Secretary Duke,

We write to express our deep concerns over ongoing reports of violations of current Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) policies regarding enforcement actions at sensitive locations. We request that the Department clarify several important issues in order help the public understand the Department's continuing commitment to these policies. We believe much more must be done by the agency to avoid unnecessary panic and concern among immigrants to this country- both documented and undocumented.

As you know, in 2011, the then-Director of ICE issued a policy memo limiting enforcement actions at sensitive locations.¹ A nearly identical memo was also issued by the then-Deputy Commissioner of CBP.² In both cases, the non-exclusive list of sensitive locations includes churches, hospitals, and schools, among others. The memos also include a number of actions that constitute enforcement, including: arrests, interviews, searches, and surveillance.³ Although a new Administration was sworn-in in January, your department reaffirmed the ongoing applicability of these memorandum in February.⁴

Unfortunately, since January, many of us have heard of instances where this policy is not being followed. In particular, we are troubled by the recent case of Irma Francisca Quiñones Alamillo and Oscar Enrique Sánchez Islas. While at a hospital with their two month old child, Irma and Oscar were questioned by CBP agents, and later taken away for processing while their infant (a United States citizen) was awaiting emergency surgery. These actions delayed urgent medical care, as the doctors did not want to operate without the parents present, and caused significant mental anguish to Irma and Oscar. There was no justification for these actions, which are a clear and egregious violation of the policy memos.

¹ Memorandum on *Enforcement Actions at or Focused on Sensitive Locations*, Office of the Director, U.S. Immigration and Customs Enforcement (October 24, 2011) available at <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>

² Memorandum on U.S. Customs and Border Protection Actions at or Near Certain Community Locations, Deputy Commissioner, U.S. Customs and Border Protection (January 18, 2013) available at <https://foiart.cbp.gov/streamingWord.asp?i=1251>.

³ U.S. Immigration and Customs Enforcement Memo at 1.

⁴ *Q&A: DHS Implementation of the Executive Order on Border Security and Immigration Enforcement*, Office of the Press Secretary, Department of Homeland Security (February 21, 2017), Question 26, available at dhs.gov/news/2017/02/21/qa-dhs-implementation-executive-order-border-security-and-immigration-enforcement.

Both CBP and ICE agents should follow the rules and regulations that have been issued by the leadership of the agency. While these employees have a job to do, agents must perform their responsibilities in a manner that protects the health, safety, and welfare of those involved, regardless of immigration status. Undermining the ability of individuals to travel to a hospital to seek emergency care for themselves or their family members violates not just the policy memorandum, but the basic values that justify these limitations.

With these increasing reports of enforcement activities at sensitive locations, we are seriously concerned that enforcement actions like the one mentioned above will decrease the safety and health of citizens and non-citizens in our nation. ICE and CBP enforcement efforts at sensitive locations have a chilling effect on individuals' ability to seek basic necessities like health services, schooling, and religious worship. Absent an unpublicized change in policy, the above case raises serious questions about the Department's willingness to enforce its internal policies.

We request that the Department provide us with additional information about the effectiveness of the current mechanisms in place to protect individuals at sensitive locations. Towards that end, we would like answers to the following questions:

1. What mechanism currently exists to report violations of CBP and ICE's sensitive locations policy memos? Who investigates these violations?
2. Does the Department keep statistics on complaints involving sensitive locations? Does the Department keep statistics on enforcement actions at sensitive locations? Please provide those statistics if they exist.
3. What training do ICE and CBP employees receive regarding appropriate practices at sensitive locations?
4. What consequences occur if ICE and CBP agents are found to have violated this, or any other, internal ICE policy?
5. In the case of Irma Francisca Quiñones Alamillo and Oscar Enrique Sánchez Islas, did CBP agents act in accordance with the sensitive locations memo?

ICE and CBP should continue to follow their current policies with regard to sensitive locations, and should do more to ensure that their agents are aware of these policies, their justification, and the consequences for their violation. We look forward to your response.

Sincerely,


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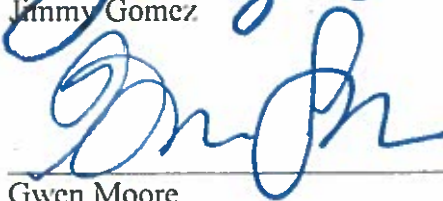
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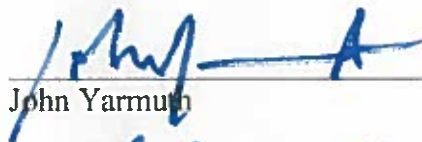
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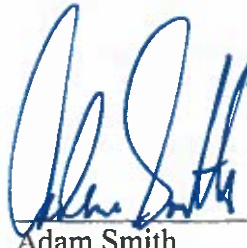
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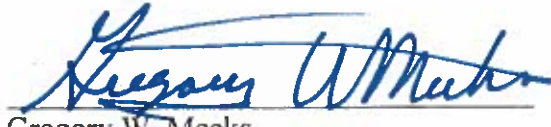
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